REMARKS

The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

35 U.S.C. §102(a) Rejection - Kistler

The Examiner has rejected claims 44-49 and 66-71 under 35 U.S.C. §102(a) as being anticipated by Thomas Kistler, "Continuous Program Optimization", 1999, Ph. D. thesis, Department of Information and Computer Science, University of California, Irvine, CA.

Applicants respectfully submit that the rejection has been overcome by the amendments above.

Docket No.: 42390P8130 Application No.: 09/608,616 Conclusion

In view of the foregoing, it is believed that all claims now pending patentably

define the subject invention over the prior art of record and are in condition for

allowance. Applicants respectfully request that the rejections be withdrawn and the

claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there

remains any issue with allowance of the case.

Request For An Extension Of Time

The Applicants respectfully petition for an extension of time to respond to the

outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary.

Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37

C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: June 8, 2006

Been E. Vecchia

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